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June 10, 2010

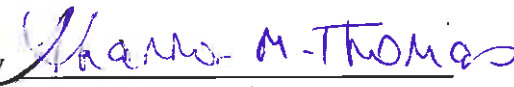
REPORT TO THE COMMITTEE ON NATURAL
RESOURCES AND CULTURE

DRAFT AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE RELATING TO THE
CHILDREN'S POOL

On May 17, 2010, the City Council directed that this Office return with draft ordinances amending the San Diego Municipal Code to prohibit public access to the Children's Pool beach during harbor seal pupping season, December 15 to May 15, and to prohibit dogs there at any time.

The draft ordinance prepared pursuant to City Council direction in Resolutions R-305837 and R-305862 is attached. (Attachment 1.) The proposed amendment specifies that it is unlawful for any person to be on the La Jolla Children's Pool beach from December 15 to May 15, and that it is unlawful to allow any dog on the La Jolla Children's Pool beach. Other amendments are proposed for consistency and housekeeping, such as expanding the purpose and intent of the regulations of the applicable division pertaining to public parks, playgrounds, beaches, tidelands, and other property and to include the protection of public resources. The proposed ordinance also clarifies that any employee or agent of the City is exempt from these regulations while performing his or her duties, not just the Park and Recreation Department employees.

Respectfully submitted,
JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:mm
RC-2010-22

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~

NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3,
DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 63.0102 AND 63.0105, RELATING
TO THE USE OF THE LA JOLLA CHILDREN'S POOL AND
EXCEPTIONS TO THE APPLICATION OF REGULATIONS.

Article 3: Public Parks, Playgrounds, Beaches, Tidelands and Other Property

Division 1: Use of Park Areas

§63.0102 Use of Public Parks and Beaches Regulated

(a) Purpose and intent

It is the purpose and intent in enacting this Division to regulate and prohibit
certain activities in public parks and beaches within the City of San Diego in
the interests of protecting the enjoyment and safety of the public in the use of
these facilities-, as well as the natural resources of the City of San Diego.

(b) General Public Park and Beach Regulations

[No change in text.]

(c) Regulations for the Use of the La Jolla Children's Pool

- (1) It is unlawful for any person to be upon or cause any person to be upon the beach of the La Jolla Children's Pool from December 15 to May 15.
- (2) It is unlawful to allow any dog upon the beach of the La Jolla Children's Pool.

§63.0105 Exceptions to Application of Regulations

Nothing in this Division shall be construed to prevent any employee or agent of the City of San Diego Park and Recreation Department from ~~doing anything~~ performing any duty that, in the opinion of the City Manager or ~~the Park~~ Director ~~his or her designee~~, may be thought necessary or proper for the maintenance, improvement, or betterment of any park ~~or~~, plaza, or beach or, as may be in the best interests of ~~The~~ City of San Diego.

ST:mm
06/10/2010
Or.Dept:Park & Rec.
O-2010-111
MMS#12367

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